

**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**
(Not for submission under 37 CFR 1.89)

Application Number	09836760
Filing Date	2001-04-17
First Named Inventor	James P. Ella
Art Unit	1857
Examiner Name	Daniel C. Garnett
Attorney Docket Number	1000-10-CO1

CERTIFICATION STATEMENT

Please see 37 CFR 1.97 and 1.98 to make the appropriate selection(s):

That each item of information contained in the information disclosure statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the information disclosure statement. See 37 CFR 1.97(e)(1).

OR

That no item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing the certification after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in 37 CFR 1.56(c) more than three months prior to the filing of the information disclosure statement. See 37 CFR 1.97(e)(2).

See attached certification statement.
 Fee set forth in 37 CFR 1.17 (p) has been submitted herewith.
 None

SIGNATURE

A signature of the applicant or representative is required in accordance with CFR 1.33, 10.16. Please see CFR 1.4(d) for the form of the signature.

Signature	/Gerald K. White/	Date (YYYY-MM-DD)	2010-08-04
Name/Print	Gerald K. White	Registration Number	26,611

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1 hour to complete, including gathering, preparing and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:)
James P. Elia) Group Art Unit: 1647
)
Serial No.: 09/836,750) Examiner: Daniel C. Gamett
)
Filed: April 17, 2001) Confirmation No.: 7239
)
For: METHOD FOR GROWING)
 MUSCLE IN A HUMAN)
 HEART)

**NINTH SUPPLEMENTAL
INFORMATION DISCLOSURE STATEMENT**

Sir:

Enclosed herewith, please find Form FTO/SB/08a pertaining to the above-identified application. A copy of the publication listed thereon is also enclosed.

Applicant recently became aware of the publication entitled, Mouse Cytokines: Sources, Cellular Targets, and *In Vivo* Effects. This information was published in 2003 by the University of South Florida on its website at www.research.usf.edu.

As set forth at several locations in the enclosed publication, cells are a species of the genus "growth factor." Such genus/species relationship would be so recognized by one skilled in the art. Applicant believes that this evidence conclusively demonstrates that cells are a type of growth factor and thus one skilled in the art, reading the term "growth factor" in the specification, would understand that cells are a species of growth factors.

Applicant requests the publication be made of record in the instant application.

Respectfully submitted,

Date: August 4, 2010

/Gerald K. White/
Gerald K. White
Reg. No. 26,611

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